

Before the
Administrative Hearing Commission
State of Missouri



DIRECTOR OF INSURANCE,

Petitioner,

vs.

GERALD FRANKS,

Respondent.

No. 06-0655 DI

CONSENT ORDER

The licensing authority filed a complaint. Section 621.045, RSMo Supp. 2005, gives us jurisdiction.

On December 4, 2006, the parties filed a "Joint Motion for Consent Order, Stipulation of Facts, Consent to Finding of Cause for Discipline and Waiver of Hearing." Our review of the document shows that the parties have stipulated to certain facts and waived their right to a hearing before us. Because the parties have agreed to these facts, we incorporate them into this order and adopt them as stipulated. *Buckner v. Buckner*, 912 S.W. 2d 65, 70 (Mo. App., W.D. 1995). We conclude that the licensee is subject to discipline under § 374.755.1(2), RSMo 2000. We incorporate the parties' proposed findings of fact and conclusions of law into this Consent Order. We certify the record to the licensing agency under § 621.110, RSMo 2000.

The only issue before this Commission is whether the stipulated conduct constitutes cause to discipline the license. The appropriate disciplinary action is not within our power to decide; that is subject to the licensing authority's decision or the parties' agreement. Section 621.110, RSMo 2000.

No statute authorizes us to determine whether the agency has complied with the provisions of § 621.045.3, RSMo Supp. 2005. We have no power to superintend agency compliance with statutory procedures. *Missouri Health Facilities Review Comm. v. Administrative Hearing Comm'n*, 700 S.W. 2d 445, 450 (Mo. banc 1985). Therefore, we do not determine whether the agency complied with such procedures.

SO ORDERED on December 7, 2006.

TERRY M. JARRETT
Commissioner